

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
07-CR-212

LING ZHEN HU AND
XIAO CHEN LIN,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). Defendants filed motions for suppression of evidence. On April 21, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the defendants' motions to suppress evidence be granted.

On November 3, 2010 this Court remanded the case to Magistrate Judge McCarthy for further proceedings. On January 21, 2011, Magistrate Judge McCarthy issued a supplemental Report and Recommendation again recommending that the suppression motions be granted. The government filed objections to the Supplemental Report and Recommendation on March 9, 2011 and defendants filed a response thereto. Oral argument on the objections was held on September 20, 2011. The Court finds that any additional hearings are unnecessary.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motions to suppress are granted. The parties shall appear for a meeting to set a trial date at 9:00 a.m. on Wednesday, October 19, 2011.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 17, 2011